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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,855	10/19/2001	John K. Billock	HBO-20 CON2	1770
20583	7590	11/29/2007		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER SHANG, ANNAN Q	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 11/29/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/039,855		BILLOCK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Annan Q. Shang		2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 09/18/07 have been fully considered but they are not persuasive.

With respect to claims 1-38 rejected under 35 U.S.C. 102(e) as being anticipated by **Hendricks (2005/0157217)**, applicant discusses the claimed invention and the prior art of records and argues that the title of the prior art of record is "Remote Control Menu Driven Subscriber Access..." and does not teach the claim limitations (see page 12+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant argues, however, even though the title of the invention is "Remote Control Menu Driven Subscriber Access..." Hendricks illustrates in figures 1-5, 14-18+, a delivery system and method where a Head end (OC/HE 202/208) stores programs and transmits a list (Catalog data and Menu) to the viewing station (STT-220) and a viewer (subscriber and non-subscribers) interacts to request video program(s)/channel(s) (instant ordering and subscription packages of program(s)/channel(s)) (figs.15+). Figures 30-32 illustrates where upon receiving a non-subscriber request, the system subscribes the viewer and displays a message "Thank you for subscribing! You are joining the channel in progress." (fig.32). Furthermore in fig.33, if the viewer is a subscriber the system displays a message "You are a current subscriber. Thank you! ...joining now in progress" Hendricks further illustrates in figs.35-38 and 111-114, messages/images to the viewer that enables non-subscribers to subscribe to a program(s)/channel(s) (page

19, [0280-0286] page 19, [0284-0294], [0296-0302], [0316-0317], [0330-0336] and [0353-0358]), which meets all the claim limitations. Hence applicant's arguments are not persuasive; the rejection is proper meets all the claim limitations as repeated below.

**This office action is made Final.**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hendricks (2005/0157217)**.

As to claims 1-3, note the **Hendricks** reference figures 1-5, discloses a television program delivery system and further discloses a method of operating a video-on-demand (VOD) service comprising at least one interactive channel coupled to a viewing station (ST- 220), the service accessible to subscribers and non-subscribers of the service, the service providing video programs, segments of the video programs, and a list of at least some of the video programs, the method comprising:

Transmitting (OC/HE 202/208) first signal to the viewing station acknowledging access of the service; transmitting the list (Catalog data and Menu) to the viewing station, STT-220 (figs.1-5, 14, 15, page 5, [0122-0131], [0280-0281] and [0284-0286]);

Receiving (STT-220) a second signal (user interactive requests, video program classification information associated with a viewer identifier) from the viewing station indicating a selection of one of the segments of the video programs, note that the user, via an input device (RC-900) interacts to Menu, which includes preview video products or trailers, to order any available video product where the OC/HE 202/208 stores the received identifier of the receiving station, compares the identifiers to a list of identifiers corresponding to the STTS-220 and process the various request to a particular STT-220 ([0186], [0264], [0280-0281] and [0284-0286]).

Transmitting (OC/HE 202/208) one of the segments to the viewing station indicating one of the segments to the viewing station when the second signal indicates a selection of the one segment by either a subscriber or a non-subscriber (0186), [0264], [0280-0281] and [0284-0286]);

Preventing transmission of one of the video programs to the viewing station when the second signal indicates a selection of the one video program by one of the non-subscribers and transmitting one of the video programs to the viewing station when the second signal indicates a selection of the one video program by one of the subscribers (figs.15-18, 30-51, 112, 114, page 19, [0284-0294], [0296-0302], [0316-0317], [0330-0336] and [0353-0358]).

As to claim 4-6, Hendricks further discloses where the video programs and the segments comprise video and audio portions, at least one movie and one TV program (col.3, lines 32-49 and col.4, lines 13-46).

As to claim 7, the claimed "A video-on-demand service comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claims 7-8, **Hendricks** further discloses in figures 1-5, discloses a video-on-demand (VOD) service comprising:

A telecasting facility (OC/HE 202/208) operative to provide video programs, previews of the video programs, and at least one list of at least some of the video programs and operative to receive selections of the previews and the video programs, the facility (figs.1-5, 14, 15, page 5, [0122-0131], [0280-0281] and [0284-0286]) comprising:

A multiple processor computer (Processors OC/HE 202/208 "first computer") of that allows the list and the previews comprising summary of content of video, audio, full-motion to be transmitted to subscribers and non-subscribers of the service and that allows the video programs to be transmitted to only the subscribers (figs.15-18, 30-51, 112, 114, page 19, [0122-0131], [0280-0281], [0284-0286], [0296-0302], [0316-0317], [0330-0336] and [0353-0358]).

A mass storage system coupled to the computer (figs.1 and 4a), the mass storage system storing the list and the previews, and transmitting station coupled to the computer, the transmitting station operative to transmit the video programs, the

previews, and the list to viewing station (STT-220, which includes a display and a computer "second computer) and operative to receive the selections; and communication medium comprises a plurality of channels coupled to the transmitting station over which the video programs, the previews, and the list are transmitted from the telecasting facility and over which the selections are transmitted to the telecasting facility (figs.1-5, 14-18, 30-51, page 5, [0122-0131], [0280-0281], [0284-0286], [0296-0302], [0316-0317] and [0330-0336]).

As to claim 9, Hendricks further discloses where the communication medium is selected from the group consisting of coaxial cable the fiber optic cable (page 5, [0125-0126]).

As to claim 10, **Hendricks** further discloses claimed "A video-on-demand service comprising..." which is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3. Hendricks further discloses displaying on the display the list to an offer for the non-subscribers to become a subscriber substantially immediately after the non-subscriber selects on of the video programs for display and receiving and acceptance of the offer to be a subscriber, establishing non-subscriber as a subscriber substantially immediately after the receiving and allowing the video programs selected by the non-subscriber to be displayed on the display substantially immediately after the establishing (figs.15-18, 30-51, 112, 114, page 19, [0122-0131], [0280-0281], [0284-0286], [0296-0302], [0316-0317], [0330-0336] and [0353-0358]).

As to claims 11-13, Hendricks further discloses where the display is a television monitor, computer and provides audio (figs.2, 3d, [0133-0136], [0139]).

As to claim 14, **Hendricks** further discloses video-on-demand service comprising..." which is composed of the same structural elements that were discussed with respect to the rejection of claim 7.

Claim 15 is met as previously discussed with respect to claim 10.

As to claim 16, the claimed "A method of operating a video-on-demand service comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claims 17-18, Hendricks further discloses where the classification information causes those video programs that contain violence to be excluded from the generated list and only those programs that are suitable for children to be included on the generated list ([0116], [0205], [0263], [0281], [0296] and [0346]).

As to claims 19-20, the claimed "A method of operating a video-on-demand service comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 21, the claimed "A video-on-demand service comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 7.

Claims 22-25 are met as previously discussed with respect to claim 7.

As to claims 26-29, Hendricks further discloses where a plurality of windows for textual, previews, etc. where anyone of the screens is displayable immediately after display of any other one of the screens, where one of the screens is selectable from one of any one the screens and where another one of the lists, the segments and the textual



descriptions is displayable on the respective screens immediately after a respective one of the lists, segments and the textual descriptions is displayed on the respective screens (figs.18-50+, [00295-0356]).

As to claim 30-31, Hendricks further discloses where the telecasting facility is further operative to transmit textual descriptions of the video programs, the User display is further operative to receive the textual descriptions and the interactive interface comprises a list mode actuator that when actuated causes one of the lists to be displayed on the display, preview mode actuator that when actuated causes one of the previews to be displayed on the display and information mode actuator that when actuated causes one of the textual descriptions to be displayed on the display and a remote control unit (figs.11-12, 18-50+ and [00295-0356]).

As to claim 32-35, Hendricks further discloses where the video programs are organized into categories and the interactive interface comprises: a previous-category actuator that when actuated displays on the display a preceding category of video programs in a sequence of categories; a next-category actuator that when actuated displays on the display the next category of video programs in the sequence, a previous-program actuator that when actuated causes a displayed one of the list to scroll in a first direction on the display, etc., (figs.11-12, 18-50+ and [00295-0356]).

As to claims 36-38, the claimed "A method of operating a video-on-demand service comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

***Conclusion***

**4. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

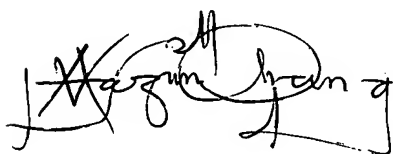
**5.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at 866-217-9197 (toll-free). If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Annan Q. Shang', with a stylized circular flourish at the end.

**Annan Q. Shang**